

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TIMOTHY J. BOHANNAN,

Case No. 3:21-cv-00059-MMD-CLB

Plaintiff,

ORDER

v.

WILLIAM GITTERE, *et al.*,

Defendants.

This action is a *pro se* civil rights complaint filed under 42 U.S.C. § 1983 by a former state prisoner. The Court previously granted Plaintiff's application to proceed without prepaying fees or costs. (ECF No. 12.)¹

On May 4, 2022, the Court entered an order staying this case so that the parties could participate in the Court's Inmate Early Mediation Program. (ECF No. 12.) The Court entered a subsequent order assigning the case to mediation by a court-appointed mediator. (ECF No. 14.) The Office of the Attorney General has filed a status report indicating that settlement was not reached and informing the Court of its intent to proceed with this action. (ECF No. 16.)

IT IS THEREFORE ORDERED that:

1. The Clerk of the Court will electronically **SERVE** a copy of this order and a copy of Plaintiff's complaint (ECF No. 11) on the Office of the Attorney General of the State of Nevada, by adding the Attorney General of the State of Nevada to the docket sheet. This does not indicate acceptance of service.

2. Service must be perfected within ninety (90) days from the date of this order pursuant to Fed. R. Civ. P. 4(m).

3. Subject to the findings of the screening order (ECF No. 10), within **twenty-one (21) days** of the date of entry of this order, the Attorney General's Office will file a

¹ Plaintiff is not subject to the requirements of 28 U.S.C. § 1915(a)(2), (b) because he is no longer a "prisoner" within the meaning of the statute. See 28 U.S.C. § 1915(h).

1 notice advising the Court and Plaintiff of: (a) the names of the defendants for whom it
2 accepts service; (b) the names of the defendants for whom it does not accept service,
3 and (c) the names of the defendants for whom it is filing the last-known-address
4 information under seal. As to any of the named defendants for whom the Attorney
5 General's Office cannot accept service, the Office will file, *under seal*, but will not serve
6 the inmate Plaintiff the last known address(es) of those defendant(s) for whom it has such
7 information. If the last known address of the defendant(s) is a post office box, the Attorney
8 General's Office will attempt to obtain and provide the last known physical address(es).

9 4. If service cannot be accepted for any of the named defendant(s), Plaintiff
10 will file a motion identifying the unserved defendant(s), requesting issuance of a
11 summons, and specifying a full name and address for the defendant(s). For the
12 defendant(s) as to which the Attorney General has not provided last-known-address
13 information, Plaintiff will provide the full name and address for the defendant(s).

14 5. If the Attorney General accepts service of process for any named
15 defendant(s), such defendant(s) will file and serve an answer or other response to the
16 complaint within **sixty (60) days** from the date of this order.

17 6. Plaintiff shall serve upon defendant(s) or, if an appearance has been
18 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other
19 document submitted for consideration by the Court. If Plaintiff electronically files a
20 document with the Court's electronic-filing system, no certificate of service is required.
21 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
22 mails the document to the Court, Plaintiff shall include with the original document
23 submitted for filing a certificate stating the date that a true and correct copy of the
24 document was mailed to the defendants or counsel for the defendants. If counsel has
25 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
26 named in the notice of appearance, at the physical or electronic address stated therein.
27 The Court may disregard any document received by a district judge or magistrate judge
28 which has not been filed with the Clerk, and any document received by a district judge,

1 magistrate judge, or the Clerk which fails to include a certificate showing proper service
2 when required.

3 7. This case is no longer stayed.

4 **DATED:** August 12, 2022.

5 
6 **UNITED STATES MAGISTRATE JUDGE**
7